

REMARKS

By this Amendment claim 33 has been amended to clarify its function and claim 47 has been amended to further define the downhole deflector member (see specification at page 8, lines 6-8 and Fig. 1A). Entry is requested.

In the outstanding Office Action the examiner has rejected claims 33-39, 41 and 42 under 35 U.S.C. 102(b) as being anticipated by Gano. This rejection is without merit.

The examiner indicates that the wall of the wellbore 110 in Gano forms a part of the body of the deflector tool. As a result of this interpretation, the opening in the wellbore wall for the lateral/secondary wellbore is concluded to be equivalent to the opening in the body according to applicants' claim 33. This interpretation is, however, not reasonable because claim 33 is directed to a down hole deflector tool for selectively opening and closing a lateral borehole extending from a primary borehole, and in Gano item 110 is clearly identified as being the wellbore casing and cannot, therefore, reasonably be interpreted to form part of the body of a down hole deflector tool.

The examiner's rejection based on Gano should be withdrawn.

The examiner has rejected claim 47 under 35 U.S. 102(b) as being anticipated by Hayes et al. This rejection cannot apply to amended claim 47.

The examiner states that in Figs. 7b and 7c of Hayes et al. a radial notch is shown in the inner surface of the bore, which results in an increase in the radius of the bore hole as compared with the ramp surface, and as a result, the examiner seems to believe that the bore of the arrangement shown in Hayes et al. has a bore having a radius which increases and then decreases again in the uphole direction.

However, as now amended, the portion of the bore which extends uphole from the base of the ramp has a larger diameter than the remainder of the bore, meaning that the ramp extends upwards to a portion of the bore which has a larger diameter than the remainder of the bore. Such a structural relationship is not disclosed or suggested by Hayes et al.

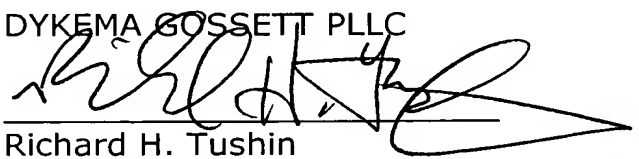
The examiner's rejection based on Hayes et al. should be withdrawn.

The applicants again note the examiner's allowance of claims 45 and 46 and indication of allowable subject matter in claims 40, 43 and 44.

Respectfully submitted,

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